

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-127-C – ORDER NO. 2004-389
OCTOBER 11, 2004

IN RE: Application of Genesis Telecommunications Company, LLC for a Certificate of Public Convenience and Necessity to Provide Interexchange Carrier Telecommunications Services Statewide.)	ORDER GRANTING CERTIFICATE AND MOTION FOR EXPEDITED REVIEW
)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of the Application of Genesis Telecommunications, LLC (“Genesis” or the “Company”) for authority to provide resold interexchange telecommunications services in the State of South Carolina. The Application was filed pursuant to S.C. Code Ann. Section 58-9-280 (Supp. 2003) and the Rules and Regulations of the Commission.

Genesis was certificated by the Commission to provide local exchange telecommunications services in South Carolina in Order No. 2000-873, Docket No. 2000-350-C. In Order No. 2002-544 the Commission subsequently amended the Company’s certificate to reflect both resold and facilities based operations.

By letter, the Commission’s Executive Director instructed the Company to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Application. The purpose of the Notice of Filing was to inform

interested parties of the manner and time in which to file the appropriate pleadings for participation in the proceedings. The Company complied with this instruction and provided the Commission with proof of publication of the Notice of Filing.

On July 12, 2004, the Company subsequently filed a Motion for Expedited review of this Application along with the verified testimony of Ken Jefferson, Genesis' CEO, and documentation evidencing that the Company possesses the financial, operational, and managerial resources required to provide high quality interexchange telecommunications services at competitive rates, terms, and conditions.

After full consideration of the applicable law, the Company's Application, the verified testimony of the Company's CEO, and the information regarding the Company already on file with the Commission, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. Genesis is organized as a corporation under the laws of the State of South Carolina and is headquartered in Greenwood, South Carolina.
2. Genesis is a provider of local exchange telecommunications services in South Carolina and wishes to expand its authority to also provide interexchange telecommunications services in South Carolina.
3. Genesis has the managerial, technical, and financial resources to provide the services as described in its Application.
4. The Commission finds that Genesis will support universally available telephone service at affordable rates.

5. The Commission finds that Genesis will provide interexchange services which will meet the service standards of the Commission.

6. We find that the issuance of the authority requested by Genesis is in the best interests of the citizens of the State of South Carolina.

CONCLUSIONS OF LAW

1. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to Genesis to provide resold intrastate interLATA interexchange service and to originate and terminate toll traffic within the same LATA, as set forth herein, through the resale of intrastate Wide Area Telecommunications Services (WATS), Message Telecommunications Service (MTS), directory assistance, travel card service or any other services authorized for resale by tariffs of carriers approved by the Commission.

2. With regard to the interexchange service offerings of Genesis, the Commission adopts a rate design which includes only maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels has been previously adopted by the Commission. In Re: Application of GTE Sprint Communications Corporation, etc., Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984).

3. Genesis shall not adjust its interexchange rates below the approved maximum level without notice to the Commission and to the public. Genesis shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for

reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. In Re: Application of GTE Sprint Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 16, 1993). Any proposed increase in the maximum rate level for interexchange services reflected in the tariff which would be applicable to the general body of the Company's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Supp. 2003).

4. If it has not already done so by the date of issuance of this Order, Genesis shall file its revised interexchange long distance tariff within thirty (30) days of receipt of this Order. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the Commission's Rules and Regulations.

5. Genesis is subject to access charges pursuant to Commission Order No. 86-584 in which the Commission determined that for access purposes resellers should be treated similarly to facilities-based interexchange carriers.

6. With regard to the Company's offering of interexchange services, an end-user should be able to access another interexchange carrier or operator service provider if the end-user so desires.

7. Genesis shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If Genesis changes underlying carriers, it shall notify the Commission in writing.

8. With regard to the origination and termination of toll calls within the same LATA, Genesis shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993), with the exception of the 10-XXX intraLATA dialing requirement, which has been rendered obsolete by the toll dialing parity rules established by the Federal Communications Commission, pursuant to the Telecommunications Act of 1996 (See, 47 CFR 51.209). Specifically, the Company shall comply with the imputation standard as adopted by Order No. 93-462 and more fully described in paragraph four of the Stipulation and Appendix B approved by Order No. 93-462.

9. The Company shall, in compliance with Commission regulations and in accordance with the requirements previously assigned to the Company in Orders 2000-873 and 2002-544 of this Commission, maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, tests and repairs. In addition, the Company shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours.

Genesis shall file the names, addresses and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. The Company shall utilize the “Authorized Utility Representative Information” form which can be located at the Commission’s website at www.psc.state.sc.us/reference/forms.asp

to file the names of these representatives with the Commission. Further, the Company shall promptly notify the Commission in writing if the representatives are replaced.

10. Genesis shall conduct its business in compliance with Commission decisions and Orders, both past and future, including but not limited to, any and all Commission decisions which may be rendered in Docket No. 96-018-C regarding local competition.

11. The Company is directed to comply with all Rules and Regulations of the Commission, unless a regulation is specifically waived by the Commission.

12. Genesis shall file annual financial information in the form of annual reports and gross receipts reports as required by the Commission. The annual report and the gross receipts reports will necessitate the filing of intrastate information. Therefore, Genesis shall keep financial records on an intrastate basis for South Carolina in order to comply with the Commission's requirements of filing an annual report and a gross receipts report. The proper form for filing annual financial information for the annual report may be found on the Commission's website at www.psc.state.sc.us/reference/forms.asp. The title of this form is "Annual Report for CLECs" and/or "Annual Report for Interexchange Companies." The Company shall file the annual report form with the Commission by April 1st of each year.

Commission gross receipts forms are due to be filed with the Commission no later than August 31st of each year. The appropriate form for remitting information for gross receipts is entitled "Gross Receipts Form for Utility Companies" and may also be found on the Commission's website at www.psc.state.sc.us/reference/forms.asp.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

1. Genesis' Motion for Expedited Review is granted on the basis of the facts as stated in this Order and on the basis that Genesis has previously been found fit to provide telecommunications services in South Carolina (See Orders No. 2000-873 and No. 2002-544) and that the instant Application seeks merely to expand that authority to include interexchange services.

2. A Certificate of Public Convenience and Necessity is granted to Genesis to provide interexchange telecommunications services on a resale basis.

3. Genesis shall file, prior to offering interexchange services in South Carolina, its final interexchange tariff with the Commission.

4. Genesis is required to file annual financial information in the form of annual reports and gross receipts reports as required by the Commission. The annual report and the gross receipts report will necessitate the filing of intrastate information. Therefore, Genesis shall keep financial records on an intrastate basis for South Carolina in order to comply with the Commission's requirements for filing an annual report and a gross receipts report. The form Genesis shall use to file its annual financial information with the Commission can be found on the Commission's website at <http://www.psc.state.sc.us/reference/forms.asp>. The form shall be filed with the Commission by April 1st of each year. Commission gross receipts forms are due to be filed with the Commission no later than August 31st of each year. The appropriate form for remitting information for gross receipts is entitled "Gross Receipts Form for Utility Companies" and may also be found on the Commission's website.

5. Genesis shall conduct its business in compliance with Commission decisions and Orders, both past and future.

6. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)